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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,593	09/25/2003	Kazuo Shiota	2091-0291P	1320
2292	7590	03/17/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WANG, JIN CHENG	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/669,593	Applicant(s) SHIOTA ET AL.	
	Examiner Jin-Cheng Wang	Art Unit 2672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 6, 8, 10, 11, 13, 15, 16, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Loui et al. U.S. Patent No. 6,636,648 (hereinafter Loui).

Re claims 1, 6, 11, and 16, Loui discloses a method for generating an album based on album data including at least one image data set, which has been photographed during a trip and which has location data representing a photography location attached thereto, comprising the steps of:

Calculating a distance between the photography location of the image data set and a predetermined reference position, based on the location data (*e.g., Loui teaches in column 9-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the*

*location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries);*

Judging whether the distance is over a predetermined threshold value (e.g., *Loui teaches in column 8-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries);*

Classifying the image data set according to the result of judgment (e.g., *Loui teaches in column 8-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries, e.g., the distance is either zero or larger than a threshold value so that the photo is judged to be either within or outside the event and sub-event boundaries*);

Generating the album data according to the result of classification (e.g., *Loui teaches in column 7-11 the page layout module presents to the user an automatically laid out album organized by event with the algorithm choosing the albuming parameters by default or specified by the user*).

Re claims 3-5, 8, 10, 13, 15, 18 and 20, Loui teaches in column 8-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries, e.g., the distance is either zero or larger than a threshold value so that the photo is judged to be either within or outside the event and sub-event boundaries. Loui further teaches in column 7-11 the page layout module presents to the user an automatically laid out album organized by event with the algorithm choosing the albuming parameters by default or specified by the user. Therefore, Loui further discloses the claim limitation of "obtaining related data, which is related to the photography location of the at least one image data set for which the distance is over the predetermined threshold value, based on the location data attached thereto, from a related data storage means which stores a plurality

of related data sets” wherein the related data set is the metadata including the location of photographing stored in the database. Loui further discloses the claim limitation of “generating album data, which includes the related data” because Loui discloses displaying album organized by event wherein the event are associated with the pictures in the album.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 9, 12, 14, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. U.S. Patent No. 6,636,648 (hereinafter Loui), in view of Kino et al. U.S. Patent No. 6,832,101 (hereinafter Kino).

Re claims 2, 7, 12, and 17, Loui teaches in column 8-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and

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sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries, e.g., **the distance is either zero or larger than a non-zero threshold value** so that the photo is judged to be either within or outside the event and sub-event boundaries. Loui further teaches in column 7-11 the page layout module presents to the user an automatically *laid out album organized by event* chronologically or non-chronologically with the algorithm choosing the albuming parameters by default or specified by the user. The laid out album organized by events arranged in a chronological order requires the location information for the events and sub-events along the route. Therefore, Loui further discloses the claim limitation of “generating travel route data, which represents a route taken during the trip, based on the location data attached to the at least one image data set for which the distance is over the predetermined threshold value” because classifying the events and sub-events based on the location are travel route data which represents a route taken during a trip for locations of the pictures arranged in a chronological order. Loui further discloses generating photography data such as the picture data and the metadata which represents that the image data set was obtained at the photography locations along the route.

Loui does not disclose “obtaining a map data set that contains the route from a map database which stores a plurality of map data sets, based on the travel route data” and similarly



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“attaching the photography data to the map data set and generating album data including the map data set, in which the photography data is correlated with the image data set.”

However, Kino discloses a method of photographing a photo image at a construction site to be related with a map and registering it in the database wherein the information about the photograph position on the map is stored in the database to be related with attached information about the construction site. Kino further discloses associating a symbol to the place where the image was photographed on the map allowing for searching the image and the attached information to be related each other by referring to the symbol list using the symbol ID. Kino thus discloses the locations of the travel route data chronologically because the locations of the pictures taken are ordered chronologically along a travel route. In this way, the locations are searched/extracted from the database based on the attached information and the locations thus extracted in a chronological order form a travel route (See Kino column 3, lines 50 through column 4, lines 16).

Although Loui did not specifically teach the claim limitation, it is well known to one of the ordinary skill in the art to have incorporated Kino's map database to have associated symbols or metadata's locations to the photographs and to have determined a travel route based on the Loui's location data associated with the pictures.

One having the ordinary skill in the art would have been motivated to do this because it would have provided a travel route on the map database and means for relating the position on the map with the symbols attached to or associated with the pictures (See Kino column 3, lines 50 through column 4, lines 16).

Re claims 9, 14 and 19, Loui teaches in column 8-11 adding annotations for pictures and associating metadata to the pictures. Loui teaches an albuming algorithm that arranges the picture according to an event or a sub-event wherein the event or sub-event are defined by the metadata including metadata tags and GPS information to determine location and subject depth information. The information defines the context surrounding a picture capturing event allowing the user to select the set of pictures in the database using an arbitrary query based on the stored metadata and the selected set of pictures is filtered by omitting those pictures whose image quality metric is below some threshold and the event segmentation stage determines event and sub-event boundaries to determine final set of pictures for each event and sub-event. Loui classified the pictures using the metadata having the location information and the pictures are classified in accordance to the predetermined way of dealing with the actual boundary condition of events and sub-events. This classification algorithm according to the event and sub-event boundary involves a predetermined threshold value for judging the distance between the photo location contained in the metadata and a reference position associated with an event or sub-event such as the event and sub-event boundaries, e.g., the distance is either zero or larger than a threshold value so that the photo is judged to be either within or outside the event and sub-event boundaries. Loui further teaches in column 7-11 the page layout module presents to the user an automatically laid out album organized by event with the algorithm choosing the albuming parameters by default or specified by the user. Therefore, Loui further discloses the claim limitation of "obtaining related data, which is related to the photography location of the at least one image data set for which the distance is over the predetermined threshold value, based on the location data attached thereto, from a related data storage means which stores a plurality of

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related data sets” wherein the related data set is the metadata including the location of photographing stored in the database. Loui further discloses the claim limitation of “generating album data, which includes the related data” because Loui discloses displaying album organized by event wherein the event are associated with the pictures in the album.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jcw



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